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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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10 FEDERAL TRADE COMMISSION,)

Case No.: 2:10-cv-02203-RLH-GWF

11 Plaintiff,)

ORDER

12 vs.)

(Motion for Reconsideration—#145)

13 JEREMY JOHNSON, individually, as officer)
14 of Defendants I Works, Inc., Cloud Nine, Inc.,)
15 CPA Upsell, Inc., Elite Debit, Inc., Internet)
16 Economy, Inc., Market Funding, Inc., and)
17 Success Marketing, Inc.; as a member of)
Defendant Network Agenda LLC; and as the)
de facto principal of numerous Defendant Shell)
Companies identified below;)

18 DUANE FIELDING, individually, as an officer)
19 of Anthon Holdings, Inc., and as a member of)
Defendant Network Agenda LLC;)

20 ANDY JOHNSON, individually, as a manager)
21 of I Works, Inc., and as titular principal of)
22 numerous Defendant Shell Companies)
identified below;)

23 LOYD JOHNSTON, individually, as a)
24 manager of I Works, Inc., and as titular)
principal of numerous Defendant Shell)
Companies identified below;)

25 SCOTT LEAVITT, individually, as a manager)
26 of I Works, Inc., and as a principal of)
Defendant Employee Plus, Inc.;)

1 SCOTT MUIR, individually and as titular)
 principal of numerous Defendant Shell)
 2 Companies identified below;)
 3 BRYCE PAYNE, individually, as a manager)
 of I Works, Inc., and as titular principal of)
 4 Defendant JRB Media, Inc., a Shell Company;)
 5 KEVIN PILON, individually and as titular)
 principal of numerous Defendant Shell)
 6 Companies identified below;)
 7 RYAN RIDDLE, individually, as a former)
 manager of I Works, Inc., and as titular)
 8 principal of Defendant Diamond J Media, Inc.,)
 a Shell Company;)
 9 TERRASON SPINKS, individually and as)
 principal of Defendant Jet Processing, Inc., a)
 10 Shell Company; and)
 11 I WORKS, INC., et al.,)
 12 Defendants.)
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14 Before the Court is Claimant 249 Investors, LLC's **Motion for Reconsideration**
 15 (#145, filed Mar. 15, 2011) of the Court's Order (#143) denying its Motion Relief from Temporary
 16 Restraining Order and Preliminary Injunction (#135). The Court has also considered the
 17 Receiver's Statement of Non-Opposition (#151, filed Mar. 22, 2011). No other responses were
 18 filed.

19 The Court, having considered the Motion for Reconsideration, the initial Motion for
 20 Relief, the supporting Affidavit and Exhibits, and the Receiver's Statement of Non-Opposition
 21 hereby finds as follows:

22 FINDINGS

23 1. Tabernacle Towers, LLC owns certain real property located in the State of
 24 Utah which is commonly known as 249 East Tabernacle Street, St. George, Utah and is more
 25 particularly described as:

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Parcel 1:

The West 25.5 feet of Lot 1, the East 49.5 feet of Lot 2, the East 49.5 feet of Lot 3, and the West 96.0 feet of Lot 8, Block 64, Plat "B", ST. GEORGE CITY SURVEY, Washington County, Utah. Being more particularly described as follows: Beginning at a point on the South line of Lot 2, Block 64, Plat "B", ST. GEORGE CITY SURVEY, said point being South 89°51'16" East along the monument line 245.00 feet and North 0°08'44" East, 36.59 feet from the city survey monument at the intersection of 200 East and Tabernacle Streets, and running thence North 0°08'44" East, 264.26 feet to the North line of Lot 3; thence South 89°53'42" East along the Lot line 145.50 feet; thence South 0°08'44" West, 132.08 feet; thence North 89°54'55" West, 70.50 feet; thence South 0°08'44" West, 132.10 feet to the South line of said Block 64; thence North 89°56'08" West along said South line 75.00 feet to the point of beginning.

Tax Serial No.: SG-1218-A-2-RD

Parcel 2:

All of West 99.0 feet of Lot One (1), Block Sixty-Four (64), Plat "B", ST. GEORGE CITY SURVEY, as platted on the Official Map of said survey on file in the Office of the Recorder of Washington County, State of Utah. Less and Excepting therefrom the West 25.5 feet.

Tax Serial No.: SG-1218-A-1-RD

(the "**Property**").

2. 249 Investors holds the rights to a Deed of Trust, Security Agreement and Assignment of Leases and Rents (the "**Trust Deed**") executed by Tabernacle and recorded against the Property on July 11, 2006, with the Washington County Recorder, State of Utah as Entry No. 20060030455.

3. A Notice of Default under the Trust Deed was recorded against the Property on February 11, 2010.

4. On January 13, 2011, this Court entered a Temporary Restraining Order (Dkt. #44) that prohibited 249 Investors from selling the Property.

5. On February 10, 2011, the Court entered a Preliminary Injunction (Dkt. #130) consistent with the Temporary Restraining Order.


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7. The amount due under the Trust Deed significantly exceeds the fair market value of the Property.

Accordingly, and for good cause appearing,

IT IS FURTHER ORDERED that Claimant 249 Investors may immediately proceed with enforcement of the Trust Deed in accordance with Utah law.

Dated: April 14, 2011.


ROGER L. HUNT
 Chief United States District Judge